

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERIC YOUNG,

Plaintiff,

v.

Case No. 11-12780

CITY OF HIGHLAND PARK, et al.,

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO STRIKE WITNESS

Defendants on August 21, 2012, filed a "Motion to Strike Deontae Woodward as a Witness." Both Plaintiff and Defendants listed Deontae Woodward on their Final Witness Lists, although Defendants argue that, on two separate occasions, Plaintiff attempted to depose Woodward (April 4, 2012, and April 17, 2012) and that Woodward failed to appear. Defendants' counsel argues further that he has "not been able" to depose Woodward to the date of the motion. He does not say whether he served the witness with a deposition subpoena, which in Plaintiff's response Plaintiff asserts was not done. Plaintiff further points out that the witness was mentioned in Plaintiff's own deposition as to the substance of his potential testimony. The court is not persuaded that any complicity attributable to Plaintiff has been shown, nor any other reason to prohibit the witness from testifying. Accordingly,

IT IS ORDERED that Defendants' "Motion to Strike Deontae Woodward as a Witness" [Dkt. # 37] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 21, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 21, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522